



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE SMART TECHNOLOGIES, INC. :
SHAREHOLDER LITIGATION :
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11 Civ. 7673 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

Lead Plaintiff the City of Miami General Employees' and Sanitation Employees' Retirement Trust has filed a motion seeking an order from the Court preliminarily approving a proposed settlement among the parties to this securities class action. (ECF No. 172.)

Lead Plaintiff's proposed order preliminarily approving the proposed settlement would have this Court schedule a hearing to judge the fairness of the proposed class action settlement (the "Fairness Hearing") upon or after being notified by Lead Plaintiff's counsel that a Canadian court presiding over a parallel action has issued its own "Pre-Approval Order." (ECF No. Ex. A ¶ 5.) This Court, however, will not preliminarily approve any proposed settlement until such time as this Court can schedule the Fairness Hearing. Accordingly, this Court shall refrain from considering the preliminary approval of the parties' proposed settlement until the earlier of the following:

- (a) Lead Plaintiff's counsel informs this Court that the Canadian court has issued its "Pre-Approval Order"; or
- (b) Monday, July 1, 2013--sixty days from the date of this Order.

If this Court does preliminarily approve the settlement on or after July 1, 2013, and without having been informed that the Canadian court has issued its "Pre-Approval Order"--i.e., in accordance with subparagraph (b), supra--this Court will appropriately schedule a date for the Fairness Hearing at that time.

SO ORDERED.

Dated: New York, New York
May 2, 2013

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge